

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MUNICIPAL BOUNDARY ADJUSTMENTS UNIT

In the Matter of the Petition for the
Detachment of Certain Land from the City
of Rockville Pursuant to Minnesota
Statutes, 414

FIRST PREHEARING ORDER

This matter came on for a telephone prehearing conference on June 25, 2008.

Harry E. Burns, Burns Law Office, P.A., appeared on behalf of the Petitioners.

James Mogen Jr., Rinke, Noonan Law Office., appeared on behalf of the City of Rockville.

Peter Tiede, Murnane Brandt, P.A. appeared on behalf of Maine Prairie Township.

The hearing record opened in the above-referenced matter on April 3, 2008, and the evidentiary portion of the hearing was continued to an indefinite date. On May 15, 2008 the Director of the Municipal Boundary Adjustment Unit (the Director) transmitted notification that informal discussions in this matter had failed to result in a resolution and that a hearing was requested. The undersigned ALJ was assigned to hear this matter.

Based upon the discussions during the prehearing conference, and upon all of the files, the Administrative Law Judge (ALJ) makes the following:

ORDER

1. The Administrative Procedures Act¹ and the Office of Administrative Hearings' contested case rules² shall govern the conduct of this matter to the extent that they do not conflict with the specific provisions of Chapter 414.

¹ Minn. Stat. §§ 14.57 – 14.62.

² Minn. R. 1400.5100 – 1400.8400.

2. The following schedule is adopted:

Description	Due Date
Discovery completed	July 25, 2008
Joint Informational Meeting (M.S. 414.0333)	To be determined by parties.
Notice of Reconvened Hearing published	Week of July 21, 2008
Hearing exhibits, exhibit lists, and prehearing briefs filed with OAH and served upon counsel of record	August 8, 2008
Evidentiary hearing	August 19, 2008 (and August 22, 2008 if needed), 9:00 a.m., Rockville City Hall
Administrative Law Judge tour of subject property, escorted by counsel	August 22, 2008, at 10:00 a.m.
Post-hearing Briefs	30 days after receipt of final hearing recording
Administrative Law Judge decision due	April 3, 2009

3. Prehearing motions may be filed at any time. Dispositive motions must be filed by August 8, 2008. Responses to motions must be filed within ten days of receipt. If oral argument is requested by a party or ordered by the Administrative Law Judge, it will be scheduled promptly. If possible, discovery and other disputes should be brought before the Administrative Law Judge less formally by arranging a telephone conference. Requests for subpoenas for the attendance of witnesses or the production of documents shall be made in writing to the administrative law judge pursuant to Minn. R. 1400.7000. A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at www.oah.state.mn.us.

4. The Director shall arrange for the publication of the Notice of Reconvened hearing in the appropriate newspaper of general circulation in the area of the city and township as the parties may advise.

5. The hearing will be recorded by digital recording device and copies prepared for the parties.

6. The City of Rockville's exhibits will be marked with numbers 1 through 499. Petitioner's exhibits will be marked with numbers 500 through 1000. Maine Prairie Township's exhibits shall be marked alphabetically.

7. No public comment hearing has been requested.

8. Written comments may be submitted by the public to the Administrative Law Judge at any time through August 19, 2008. They must be post-marked or emailed by that date to:

Raymond R. Krause
Administrative Law Judge
Office of Administrative Hearings
PO Box 64620
St. Paul, MN 55164-0620
or
Ray.Krause@state.mn.us

9. Written briefs and replies shall be submitted in lieu of closing oral argument.

10. The parties have not requested accommodation for a disability or appointment of an interpreter. The Office of Administrative Hearings shall be notified promptly if either an accommodation or interpreter is needed.

Dated: June 26, 2008

s/Raymond R. Krause
RAYMOND R. KRAUSE
Chief Administrative Law Judge

cc: Christine Scotillo
Docket Clerk
Court Reporter Coordinator